

# **EXHIBIT 1**

US District Court - Delaware  
Chapter 11 - W.R. Grace

FINAL - November 2, 2007  
Elizabeth Anderson, Ph.D.

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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CHAPTER 11

IN RE:

W.R. GRACE & CO., et al.,

Debtors.

Case No. 01-1139(JFK)

Jointly Administered

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DEPOSITION OF

Elizabeth L. Anderson, Ph.D.

November 2, 2007

Washington, D.C.

Lead: Walter B. Slocombe, Esquire

Firm: Caplin & Drysdale, Chartered

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A P P E A R A N C E S (continued)

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A P P E A R A N C E S (continued)

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DEPOSITION OF ELIZABETH L. ANDERSON  
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1 PROCEEDINGS

2 - - - - -

3 (Anderson Deposition Exhibit Numbers 1,  
4 2 and 3 were marked for identification.)

5 - - - - -

6 Whereupon --

7 ELIZABETH L. ANDERSON, Ph.D.

8 a witness, called for examination, having been  
9 first duly sworn, was examined and testified as  
10 follows:

11 MR. SLOCOMBE: Let's get all -- my name  
12 is Walter Slocombe from Caplin & Drysdale,  
13 representing the asbestos claimants committee.

14 Let's go around the room here first and  
15 get everybody who is in the room and then we'll  
16 get the people who are on the phone.

17 MR. WEHNER: Jim Wehner from  
18 Caplin & Drysdale, also for the ACC.

19 MR. KRAMER: Matt Kramer,  
20 Bilzin Sumberg, on behalf of the property damage  
21 committee.

22 MR. RASMUSSEN: I'm Garret Rasmussen  
23 for the future claimants from Orrick Herrington.

24 MR. STALLARD: I'm Eric Stallard. I'm  
25 a consultant to Orrick Herrington.

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1 periods, durations of exposure, the 45 years  
2 that the product that was on the market or the  
3 life of the product.

4 And so I think that this is not a  
5 fruitful discussion.

6 I mean, that's -- you have people  
7 averaging -- their exposures are going to  
8 average over these long durations, and so that's  
9 just not a correct portrayal.

10 **Q. Is it your testimony that all workers'**  
11 **exposure converged to the same identical mean**  
12 **value over the course of years?**

13 MS. HARDING: Object to form, and it  
14 mischaracterizes testimony.

15 THE WITNESS: I've said I think this is  
16 a reasonable representation of the exposure over  
17 long durations.

18 BY MR. RASMUSSEN:

19 **Q. For an individual?**

20 A. For anyone in these categories, because  
21 the data converge. And this is the way data  
22 sets are handled routinely across all of EPA's  
23 guidance, for air, for Superfund sites, for  
24 everything.

25 **Q. Is the convergence monotonic?**



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1 MS. HARDING: Object to form.

2 THE WITNESS: I have answered this  
3 question as far as I am capable of answering  
4 it.

5 BY MR. RASMUSSEN:

6 **Q. So you're refusing to answer that**  
7 **question?**

8 A. No. I've already answered it.

9 **Q. And what's the answer?**

10 A. I've said --

11 MS. HARDING: Hold on.

12 Objection. Argumentative.

13 I think the doctor said at the very  
14 outset of this line of questioning that she  
15 didn't have the expertise to answer your  
16 individual questions. She's tried I think  
17 gallantly to answer them, and you keep pressing  
18 on issues about which she's trying to answer,  
19 and I think it's argumentative and I'm going to  
20 object to the continued line of questioning if  
21 you're going to keep going there.

22 MR. RASMUSSEN: Please read back the  
23 question, and we'll see how argumentative it  
24 was.

25 (The record was read as follows:)

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1 "QUESTION: And what's the answer?"

2 MS. HARDING: No. The one before that.

3 (The record was read as follows:)

4 "QUESTION: Is the convergence  
5 monotonic?"

6 BY MR. RASMUSSEN:

7 **Q. Have you answered that question before,**  
8 **Mrs. Anderson?**

9 A. I don't know what you mean, "is the  
10 convergence monotonic."

11 MS. HARDING: And object to form.

12 By what convergence?

13 BY MR. RASMUSSEN:

14 **Q. Didn't you just testify there would be**  
15 **a convergence toward the mean over time?**

16 A. I've already testified, I've already  
17 described that, one, in any environmental data  
18 set, whether it's personal monitoring data,  
19 whether it's stationary source air data,  
20 whether it's data taken from soil on a grid  
21 that's been laid out for purposes of trying to  
22 define what's in soil, whether it's taken from  
23 water, we see wide variations and we see them  
24 routinely.

25 If you're taking air data, some days

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1 the wind blows one way, another way. There are  
2 different activities going on.

3 And so what you want to capture over a  
4 long period of time for exposures that are very  
5 important to lifetime exposure circumstances is  
6 a fair characterization of all of this  
7 difference that you observe in the data sets.

8 I've said, number two, that EPA has  
9 guidelines and practices that are documented for  
10 dealing with this. It's expected. This isn't  
11 unusual. It's expected. What these guidelines  
12 drive toward is a way of describing the best  
13 characteristics of the data set for long-term  
14 exposures.

15 Number three, what we've done is we've  
16 applied those long-term -- these concentrations  
17 to long-term durations that are the longest that  
18 could possibly exist, either 45 years of  
19 employment or the full lifetime of the product.  
20 Therefore, I think these eight-hour averages are  
21 very representative of exposure across the  
22 universe of these individuals.

23 I don't think that any individual for  
24 45 years is going to be exposed to one of the  
25 highest data points in this data set, and I

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1 think that's unreasonable. It doesn't fit any  
2 of the work that's been done on dealing with  
3 data sets.

4 And finally, I have said I am not going  
5 to dissect Dr. Lees' data set because I haven't  
6 dealt with it. He has, and those questions  
7 should be directed to him.

8 And I think I can't answer it any more  
9 fully and I'm not refusing to answer. That's  
10 the only answer I can give you and that's a very  
11 full answer.

12 **Q. It's possible to calculate the mean**  
13 **height of all basketball players -- all**  
14 **professional basketball players in the NBA,**  
15 **isn't it?**

16 MS. HARDING: Object to form.

17 THE WITNESS: I would think that might  
18 be -- it depends who's in the population and  
19 who's out if you define a population of anyone.  
20 We can calculate our mean height -- average  
21 height of the population in this room.

22 I mean, you can calculate the mean of  
23 anything if you define the population correctly.

24 BY MR. RASMUSSEN:

25 **Q. The average height of all NBA**